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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/787,992	06/11/2001	Bruno Lisiecki	VWF-513-A	1040

7590

08/25/2003

Andrew R Basile  
Young & Basile  
Suite 624  
3001 West Big Beaver Road  
Troy, MI 48084

EXAMINER

BALSIS, SHAY L

ART UNIT

PAPER NUMBER

1744

DATE MAILED: 08/25/2003

8

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/787,992	LISIECKI, BRUNO	
	<b>Examiner</b>	<b>Art Unit</b>	
	Shay L Balsis	1744	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 August 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 12-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 12-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 June 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                     | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                            | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>3, 6</u> . | 6) <input type="checkbox"/> Other:  |

## DETAILED ACTION

### *Priority*

1. Acknowledgment is made of applicant's claim for priority under 35 U.S.C. 119(a)-(d) based upon a PCT application filed on 9/24/1999. A claim for priority under 35 U.S.C. 119(a)-(d) cannot be based on said application, since the United States application was filed more than twelve months thereafter.

### *Drawings*

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 12e. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.
3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the washer canal and sprayers must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

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***Specification***

4. The disclosure is objected to because of the following informalities:

The terminology “flange” and “plaque” are used interchangeably throughout the specification. Applicant is asked to be consistent throughout the specification. Correction is necessary.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 12-22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 12 states the limitation that the flange part is not directly exposed to the open air. Examiner is confused by this statement. How is that possible that no air gets to it when it is attached to the body of the wiper arm?

Claim 12 states the limitation that the flange part is made of a thermoplastic material filled with less than 40% fibers. However, in claim 13, which is dependent from claim 12, the thermoplastic material of the flange part is filled with between 40% and 50% fibers. This is impossible since claim 12 clearly states that it must be less than 40%. Examiner is assuming that applicant wanted claim 12 to read “more than 40% fibers”. Correction is necessary.

Claim 15 recites the limitation "the ribs" in line 4. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 12, 13, 15-17, 19, 20, 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krohm (USPN 2860364) in view of Rogers et al. "*Rogers*" (USPN 4318201).

Krohm teaches a wiper arm comprising a body (4) and a flange (8). The flange and body are assembled by means of clipping. The flange and body form two solid parts and the body presents two lateral sidewalls linked by a back part. The flange is inclined in relation to the longitudinal axis of the body to improve the aerodynamic performance of the arm (figure 2). The body has a transverse polygon shape with a rounded top (figure 5). Krohm teaches all the essential elements of the claimed invention however, fails to mention that the arm is made from a plastic with fibers. Rogers teaches a wiper arm that is made from a plastic material with glass fibers used as reinforcing filaments. Rogers also teaches that the arm may have an open or closed beam cross-section. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make Krohm's arm from plastic, since it has been held within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious engineering choice. *In re Leshin*, 125 USPQ 416.

While Rogers does not disclose a particular percentage of fibers used in the wiper arm, such appears to relate more to the materials used, etc than on any inventive concept. Further, one

of skill in the art would by routine experimentation find the optimum percentage of fibers for the body and the flange. It would have been obvious to one of skill in the art to make the percentage of fibers of Rogers arm any percentage of fibers so desired or required, including as is claimed, to optimize the performance of the arm.

9. Claims 12, 13, 15-17, 19, 20, 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Deibel (USPN 2850755) in view of Rogers et al. "*Rogers*" (USPN 4318201).

Deibel teaches a wiper arm comprising a body (11) and a flange (28). The flange and body are assembled by means of screwing. The flange and body form two solid parts and the body presents two lateral sidewalls linked by a back part. The flange is inclined in relation to the longitudinal axis of the body to improve the aerodynamic performance of the arm (figure 4). The body has a transverse polygon shape with a rounded top (figure 6). Deibel teaches all the essential elements of the claimed invention however, fails to mention that the arm is made from a plastic material with fibers. Rogers teaches a wiper arm that is made from a plastic material with glass fibers used as reinforcing filaments. Roger also teaches that the arm may have an open or closed beam cross-section. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make Deibel's arm from plastic, since it has been held within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious engineering choice. *In re Leshin*, 125 USPQ 416.

While Rogers does not disclose a particular percentage of fibers used in the wiper arm, such appears to relate more to the materials used, etc than on any inventive concept. Further, one of skill in the art would by routine experimentation find the optimum percentage of fibers for the

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body and the flange. It would have been obvious to one of skill in the art to make the percentage of fibers of Rogers arm any percentage of fibers so desired or required, including as is claimed, to optimize the performance of the arm.

10. Claims 12, 13, 15-17, 19, 20, 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krohm (USPN 3122770) in view of Rogers et al. "*Rogers*" (USPN 4318201).

Krohm teaches a wiper arm comprising a body (16) and a flange (20). The flange and body are assembled by means of clipping. The flange and body form two solid parts and the body presents two lateral sidewalls linked by a back part. The flange is inclined in relation to the longitudinal axis of the body to improve the aerodynamic performance of the arm (figure 2). The body has a transverse polygon shape with a rounded top (figure 3). Krohm teaches all the essential elements of the claimed invention however, fails to mention that the arm is made from a made from plastic with fibers. Rogers teaches a wiper arm that is made from a plastic material with glass fibers used as reinforcing filaments. Roger also teaches that the arm may have an open or closed beam cross-section. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make Krohm's arm from plastic, since it has been held within the general skill of a worker in the art to select a know material on the basis of its suitability for the intended use as a matter of obvious engineering choice. *In re Leshin*, 125 USPQ 416.

While Rogers does not disclose a particular percentage of fibers used in the wiper arm, such appears to relate more to the materials used, etc than on any inventive concept. Further, one of skill in the art would by routine experimentation find the optimum percentage of fibers for the body and the flange. It would have been obvious to one of skill in the art to make the percentage

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of fibers of Rogers arm any percentage of fibers so desired or required, including as is claimed, to optimize the performance of the arm.

11. Claims 14, 15, 18 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krohm (USPN 2860364) in view of Rogers (USPN 4318201) as applied to claim 12 above, and further in view of Dimur et al. "*Dimur*"(USPN 5903953).

Krohm in view of Rogers teach all the essential elements of the claimed invention however, the references fail to teach ribs located on the interior of the body. Dimur teaches a wiper arm body with ribs (28) and a washer canal (36) and sprayers (52). It would have been obvious to add ribs, to Krohm's invention to optimize reinforcement of the wiper arm and prevent wear. It would have also been obvious to add sprayer and a washer canal to Krohm in view of Rogers to optimize the cleaning of the window.

12. Claims 14, 15, 18 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Deibel (USPN 2850755) in view of Rogers (USPN 4318201) as applied to claim 12 above, and further in view of Dimur et al. "*Dimur*"(USPN 5903953).

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13. Claims 14, 15, 18 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krohm (USPN 3122770) in view of Rogers (USPN 4318201) as applied to claim 12 above, and further in view of Dimur et al. "*Dimur*"(USPN 5903953).

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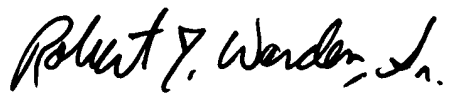
#### ***Conclusion***

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shay L Balsis whose telephone number is 703-305-7275. The examiner can normally be reached on 7:30-5:00 M-Th, alternating F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert J. Warden can be reached on 703-308-2920. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-5665.

slb

  
ROBERT J. WARDEN, SR.  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 1700